

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

NICOIS M. SMITH,	)	
	)	
Petitioner,	)	
	)	
vs.	)	No. CIV-13-525-C
	)	
OKLAHOMA COUNTY,	)	
	)	
Respondent.	)	

ORDER OF DISMISSAL WITHOUT PREJUDICE

This action for habeas corpus relief brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Gary M. Purcell, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Purcell entered his Report and Recommendation on initial screening, noting a number of inadequacies, but ultimately recommending dismissal without prejudice for failure to exhaust state remedies. Petitioner has filed a number of pleadings since then, which the Court will construe as an Objection.

The facts and law are accurately set out in the Magistrate Judge's Report and Recommendation and there is no purpose to be served in repeating them yet again. In the numerous documents filed by Petitioner, there is no argument of fact or law bearing on his failure to exhaust. He simply states again the wrongs he believes were done to him, and in some instances provides documents he appears to believe support his claims. The fact remains, however, that until these claims have been presented to and resolved by the appropriate state courts, this Court will not address them.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge, and for the reasons announced therein, this petition for habeas corpus relief is dismissed without prejudice for failure to exhaust state remedies. Petitioner's Application to Proceed in District Court without Prepaying Fees or Costs (Dkt. No. 6) is granted.

IT IS SO ORDERED this 29th day of July, 2013.



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ROBIN J. CAUTHRON  
United States District Judge